

**REMARKS**

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-17 are now present in the application. No claims have been amended in this Reply. Claims 1 and 9 are independent. Reconsideration of this application is respectfully requested.

**Claim Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1-4, 6, 7 and 9-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Takeda, U.S. Patent Application Publication No. 2003/0072233 (hereinafter "Takeda"). Claims 5, 8 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeda in view of Ogawa, U.S. Patent Publication No. 2003/0161237 (hereinafter "Ogawa"). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Independent claim 1 recites a combination of steps including "performing optimum power calibration on a test area of the optical disc to detect optimum writing power; determining an optimum write strategy; writing information on a data area with the optimum writing power and the optimum write strategy; determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing step; determining whether or not a current writing power is within a predetermined ROPC range set with reference to the detected optimum writing power; and performing a writing operation by

increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined ROPC range.”

Independent claim 9 recites a combination of elements including “a performing unit for performing optimum power calibration on a test area of the optical disc to detect optimum writing power; an optimum write strategy determining unit for determining an optimum write strategy; a writing unit for writing information on a data area with the optimum writing power and the optimum write strategy; a running optimal power calibration determining unit for determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing unit; a determining unit for determining, in a writing operation of the writing unit, whether or not a current writing power is within a predetermined ROPC range set with reference to optimum writing power; and a controller for increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined ROPC range.”

Applicant respectfully submits that the above combinations of steps and elements set forth in claims 1 and 9 are not disclosed or suggested by the references relied on by the Examiner.

In particular, the Examiner alleged that Takeda in step S412 of FIG. 13 discloses “determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing step(claim 1)/writing unit (claim 9)” as recited in claims 1 and 9. Applicants respectively disagree.

More specifically, Takeda in paragraphs [0083] and [0092] discloses as follows:

[0083] FIGS. 12 and 13 are processing flowcharts for the control section 24. FIG. 12 shows the OPC processing, while FIG. 13 shows the ROPC processing.

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[0092] FIG. 13 illustrates the processing for executing data recording according to ROPC based on the determined optimum recording power level  $P_o$  and the target value  $B_o$  of returned light intensity. First, the control section 24 uses the determined standard strategy Str to drive the LD at the optimum recording power level, thereby recording data in the optical disk 10 (S410). The control section 24 detects the returned light intensity during recording (S411) and judges whether the detected returned light intensity (namely, the level B value of the returned light intensity) matches the determined target value  $B_o$  (S412). When a match with the target value  $B_o$  is detected, indicating that data is being recorded at an optimum condition, data recording is, continued by returning to S410. (Emphasis added).

Since FIG. 13 of Takeda illustrates *the ROPC processing*, the step S412 in FIG. 13 of Takeda is performed *when the ROPC processing is being performed*, not performed to determine whether or not to perform the ROPC processing is necessary. Therefore, Takeda fails to teach “determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing step(claim 1)/writing unit (claim 9)” as recited in claims 1 and 9.

With regard to the Examiner’s reliance on Ogawa, this reference has only been relied on for its teachings related to some dependent claims. This reference also fails to disclose the above combinations of steps and elements as set forth in independent claims 1 and 9. Accordingly, this reference fails to cure the deficiencies of Naoi.

Accordingly, neither Takeda nor Ogawa individually or in combination teaches or suggests the above-noted features of independent claims 1 and 9. Therefore, Applicant respectfully submits that independent claims 1 and 9 and their dependent claims (at least due to their dependency) clearly define over the teachings of Takeda and Ogawa. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **Additional Cited References**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

### **CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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